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In re Application of	:	NOTIFICATION OF
OLMAN, A Cheryl et al	:	
Application No. : 10/030,311	:	
PCT No.: PCT/US00/11150	:	
Int. Filing Date: 25 April 2000	:	DEFECTIVE RESPONSE
Priority Date: 28 April 1999	:	
Attorney's Docket No.: 54838US010	:	
For: SHALLOW DEPTH BACK LIT	:	
ILLUMINATED SIGNAGE	:	

This application is before the PCT Legal Office for consideration of matters under 35 U.S.C. 371.

**BACKGROUND**

On 25 April 2000, applicants filed international application No. PCT/US00/11150, which claims a priority date of 28 April 1999. A Demand electing the United States was filed in this international application on 12 November 2000. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 28 October 2001.

On 24 October 2001, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicant, however, did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 19 March 2002, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, *inter alia*, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application by the International application number and international filing date ... must be submitted within two months from its 19 March 2002 date of mailing or by 22 months from the priority date, whichever is later. Failure to properly respond will result in abandonment."

On 03 June 2002, applicants submitted an executed declaration of the inventors. In the declaration section pertaining to the first named inventor, the name Cherly A. OLMAN appears; this name did not appeared in the international application which is Cherly A. VRIEZE. In addition, the declaration has been signed by "Cherly A. Olman."

### DISCUSSION

The declaration of the inventors is not acceptable at this time, in that the name of the first named inventor, Cherly A. OLMAN, does not correspond to that set forth in the international application, Cherly A. Vrieze. MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Applicant has must provide items (1) and (2) for consideration. Alternatively, applicants may provide a showing that the name change was effected in accordance with PCT Rule 92*bis* prior to the filing of the present national stage application.

### CONCLUSION

For the reasons above, the application may not enter into national stage processing at this time.

A proper response must be filed within ONE (1) MONTH from the mail date of this decision or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended up to a maximum of five (5) months. Failure to timely file the proper response will result in Abandonment.

Any further correspondence with respect to this matter deposited with the United States Postal Service on or after May 1, 2003 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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